

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LARRY FREUDENBERG, Individually, and	:	
On Behalf Of All Others Similarly Situated	:	07 Civ. 8538 (RWS)
	:	Judge Robert W. Sweet
v.	:	
	:	CLASS ACTION
E*TRADE FINANCIAL CORPORATION,	:	
MITCHELL H. CAPLAN, AND	:	ELECTRONICALLY FILED
ROBERT J. SIMMONS	:	
	:	

[Captions continued on the following page]

**NOTICE OF WITHDRAWAL OF THE
INSTITUTIONAL INVESTOR GROUP'S MOTION TO
CONSOLIDATE ACTIONS, TO BE APPOINTED LEAD PLAINTIFF
AND FOR APPROVAL OF ITS SELECTION OF LEAD COUNSEL**

GRANT & EISENHOFER P.A.
Jay W. Eisenhofer (JE-5503)
485 Lexington Avenue
29th Floor
New York, New York 10017
Tel: (646) 722-8500
Fax: (646) 722-8501

and

GRANT & EISENHOFER P.A.
Geoffrey C. Jarvis (GJ-7040)
1201 N. Market Street, Suite 2100
Wilmington, Delaware 19801
Tel: (302) 622-7000
Fax: (302) 622-7100

SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP
Richard S. Schiffrin
Sean M. Handler
Darren J. Check
280 King of Prussia Road
Radnor, Pennsylvania 19087
Tel: (610) 667-7706
Fax: (610) 667-7056

Counsel for the Institutional Investor Group

WILLIAM BOSTON, Individually, and On Behalf Of All Others Similarly Situated	:	07 Civ. 8808 (RWS) Judge Robert W. Sweet
v.	:	
E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, AND ROBERT J. SIMMONS	:	
ROBERT D. THULMAN, Individually, and On Behalf Of All Others Similarly Situated	:	07 Civ. 9651 (RWS) Judge Robert W. Sweet
v.	:	
E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, AND ROBERT J. SIMMONS	:	
WENDY M. DAVIDSON, Individually, and On Behalf Of All Others Similarly Situated	:	07 Civ. 10400 (RWS) Judge Robert W. Sweet
v.	:	
E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, AND ROBERT J. SIMMONS	:	
JOSHUA FERENC, Individually, and On Behalf Of All Others Similarly Situated	:	07 Civ. 10540 (RWS) Judge Robert W. Sweet
v.	:	
E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, AND ROBERT J. SIMMONS	:	

PLEASE TAKE NOTICE that proposed Lead Plaintiffs The Mississippi Public Employees' Retirement System ("Mississippi PERS") and AFA Livförsäkringsaktiebolag, AFA Sjukförsäkringsaktiebolag, AFA Trygghetsförsäkringsaktiebolag and Kollektivavtalsstiftelsen TSL (collectively, the "Institutional Investor Group"), having moved before the Court: (a) to consolidate various related securities fraud class actions¹ filed against E*TRADE Financial Corporation, and other defendants, (b) to be appointed as Lead Plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B)(1998), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"); and (c) for approval of its selection of the law firms of Grant & Eisenhofer P.A. and Schiffrin Barroway Topaz & Kessler, LLP as Lead Counsel ("Lead Plaintiff Motion"), hereby withdraws its Lead Plaintiff Motion.

This Withdrawal shall have no effect upon the Institutional Investor Group's rights as members of the proposed class, including but not limited to the right to share in any recovery

¹ The related securities fraud class actions include the following: (1) *Freudenberg v. E*TRADE Financial Corporation, et al.*, No. 07-Civ.-8538 (RWS); (2) *Boston v. E*TRADE Financial Corporation, et al.*, No. 07-Civ.-8808 (RWS); (3) *Thulman v. E*TRADE Financial Corporation, et al.*, No. 07-Civ.-9651 (RWS); (4) *Davidson v. E*TRADE Financial Corporation, et al.*, No. 07-Civ.-10400 (RWS); and (5) *Ferenc v. E*TRADE Financial Corporation, et al.*, No. 07-Civ.-10540 (RWS).

from the resolution of these actions through settlement, judgment or otherwise.

Dated: December 20, 2007

Respectfully submitted,

/s Geoffrey C. Jarvis
Jay W. Eisenhofer (JW-5503)
GRANT & EISENHOFER P.A.
485 Lexington Avenue, 29th Floor
New York, New York 10017
Tel: (646) 722-8500
Fax: (646) 722-8501

- and -

Geoffrey C. Jarvis (GJ-7040)
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 N. Market Street
Wilmington, Delaware 19801
Tel: (302) 622-7000
Fax: (302) 622-7100

SCHIFFRIN BARROWAY TOPAZ &
KESSLER, LLP
Richard S. Schiffrian
Sean M. Handler
Darren J. Check
280 King of Prussia Rd.
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

*Counsel for the Institutional Investor
Group*